

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CENTURY 21 REAL ESTATE LLC, f/k/a  
CENTURY 21 REAL ESTATE CORPORATION,

Plaintiff,

-against-

TEAM MATES REALTY CORP., and  
SALVATORE MARTINEZ,

Defendants.  
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07 CV 4134 (NG) (VVP)

**ORDER**

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 31 2009 ★

**BROOKLYN OFFICE**

**GERSHON, United States District Judge:**

By order dated November 26, 2007, the court granted default judgment in favor of plaintiff and referred the matter to the Honorable Viktor V. Pohorelsky, United States Magistrate Judge, for a report and recommendation concerning the relief, if any, that should be granted to the plaintiff. On February 18, 2009, Judge Pohorelsky issued a report and recommendation recommending that:

- (A) defendants, their affiliates, subsidiaries, officers, agents, servants, employees and attorneys, and all those who act in concert with them, be permanently enjoined from marketing or promoting their brokerage services and other real estate related business through and with the Century 21 Marks;
- (B) defendants be required to submit to an audit of their books and records by a certified public accountant to determine any profits to which the plaintiff may be entitled under the Lanham Act, followed by entry of judgment in the amount of any profits so determined;
- (C) plaintiff be awarded \$10,745 in compensatory damages, \$101,947.49 in liquidated damages, \$9,169.20 in attorney's fees, and \$556.67 in costs against the defendants

Team Mates and Salvatore Martinez.

Defendants have not filed any objections.

The unopposed Report and Recommendation of Magistrate Judge Pohorelsky is hereby adopted by the court.

The Clerk of Court is directed to enter judgment jointly and severally against the defendants Team Mates and Salvatore Martinez in the amount of \$10,745 in compensatory damages, \$101,947.49 in liquidated damages, \$9,169.20 in attorney's fees, and \$556.67 in costs. In addition, the Clerk of Court is directed to enter an injunction against both defendants as follows:

Defendants, their affiliates, subsidiaries, officers, agents, servants, employees and attorneys, and all those who act in concert with them, are permanently enjoined from marketing or promoting their brokerage services and other real estate related business through and with the Century 21 Marks.

Defendants are required to submit to an audit of their books and records by a certified public accountant.

**SO ORDERED.**

  
s/NG

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**NINA GERSHON**  
**United States District Judge**

Dated: Brooklyn, New York  
March 27, 2009